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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Implementation of Section 22
of the Cable Television
Consumer Protection and
Competition Act of 1992

Equal Employment Opportunities

MM Docket No. 92-261

COMMENTS OF CONTINENTAL CABLEVISION

Continental Cablevision, Inc. ("Continental") submits these comments on the proposed regulations implementing the provisions of the Cable Television Consumer Protection and Competition Act of 1992 relating to equal employment opportunities. Continental, founded in 1963, is the third largest multiple cable system operator and the largest privately owned cable company in the United States. Our brief comments will focus on several key aspects of the proposed rules and are an attempt to assist the Commission in developing the most workable set of new EEO rules.

1. THE COMMISSION SHOULD CLARIFY THE
DEFINITIONS OF SEVERAL NEW JOB CATEGORIES

With respect to the newly created job categories, the Commission must take into consideration that the cable television business is still an emerging industry and characteristically has a number of companies using different titles for the same job function. It is also quite common that a job title may include

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two or more job functions. Therefore, job titles and/or job descriptions that are unusually broad may not properly identify women and minorities that serve in a truly management capacity. Continental's suggested changes in several job categories will better meet this goal.

We find the Commission's proposed job definitions to be generally appropriate, with a few important exceptions. The first problematic definition is that of "Corporate Officer." The Commission has suggested an extremely broad definition which would include all employees "with official authorization to represent the company in a fiduciary capacity." Yet at Continental as well as many other firms, fiduciary responsibility may be entrusted to a wide range of individuals at corporate headquarters who may or may not in fact be corporate officers. For example, it is not uncommon that Assistant Treasurer, Assistant Controller, Senior Benefit Managers, Directors of Programming or Legal Affairs may have some fiduciary responsibilities. The Commission's proposal could also include attorneys and others outside corporate headquarters who are even further removed from being corporate officers, yet may fall within the Commission's broad categorization.

Continental would suggest the following definition of
"Corporate Officer:"

A senior executive, as defined by the company, with responsibility for the overall operation of the company. The category may include, but is not limited to, persons with the title of Chairman of the Board, Chairman of the Executive Committee, President, Executive Vice President, Senior Vice President, Vice President, Senior Vice President for Marketing, Senior Vice President for Programming, Senior Vice President for Human Resources, Secretary, Treasurer and Senior General Counsel. Different companies may employ different titles for particular job positions. Corporate officers are generally located at corporate headquarters rather than at the local level. The general manager of a local cable system will normally not be treated as a corporate officer for purposes of these rules.

This definition would better meet Congressional intent by focusing on true corporate officers: the senior level executives who exercise the overall decisionmaking powers for the firm.

The category of "General Sales Manager" is also defined far too broadly as an "[e]mployee who selects, trains, supervises and coordinates the direct sales efforts of the unit or system." This definition appears to be more sweeping than Congress could have intended, as it would include an extremely broad range of positions within Continental, such as Telemarketing Managers, Telemarketing Supervisors, Sales Supervisors, Sales Managers, Advertising Sales Managers and Telecollection Managers. These employees are far removed from the types of senior level

supervisory sales positions upon which Congress and the Commission should be focused. As an alternative, we would suggest a definition of "General Sales Manager" as:

An employee who has chief responsibility for door-to-door sales to single family or multiple dwelling units, including Direct Sales Managers. This responsibility would be exclusive of advertising sales and telemarketing.

Another definition of concern is that of Chief Technician, which is now proposed as an "[e]mployee who supervises all technical personnel and maintains the quality and consistency of pictures to cable television subscribers." In fact, there are numerous employees who share responsibility for picture quality from the headend to the subscriber's home. These include Maintenance Technical Managers, Installation Managers, Technical Operations Managers, Engineering Managers, Service Technician Managers and Chief Technicians. Each of these positions would fall within the Commission's proposed definition. To avoid this problem and better focus upon true supervisory personnel, we would propose the following definition for "Chief Technician:"

An employee who has overall technical responsibility at an operational unit or system level for the transmission of a clear and consistent quality picture to cable television subscribers.

This proposed definition includes the same operative term "overall responsibility" as is proposed for "General Manager" and in

Continental's view would better serve the Act's intent of identifying key supervisory employees in the technical area.

**2. THE COMMISSION SHOULD RECONCILE DIFFERING
FEDERAL EEO REPORTING FILING DATES**

Currently, the Commission's Form 395-A statistical filing is required in May of each year, while the U.S. Equal Employment Opportunity Commission filings are required in November. This necessitates exhaustive compilation of statistics twice a year, because the first quarter FCC numbers are not usable in the fall. Continental urges the Commission to use the opportunity presented by the Act and this rulemaking to seek a reconciliation of these two filing dates. Such a move would bring far greater coherence to the statistical compilation and filing process.

**3. THE COMMISSION DOES NOT NEED
TO ENGAGE IN A COMPETENCY BASED
ANALYSIS OF THE CABLE OPERATOR WORKFORCE**

The Commission interprets Congressional intent as not requiring any change in the Commission's current method of comparing the composition of the cable operator's workforce with that of the "relevant labor market." We strongly endorse the Commission's view that Congress did not intend the Commission to engage in a "competency based analysis." Such a change in Commission procedure would benefit no one and would represent an extremely inefficient strain on Commission resources.

In summary, Continental suggests that the Commission adopt rules which reflect the above comments. These comments represent a rational, workable approach to implementation of the new and revised EEO provisions of the Act.

Respectfully submitted,

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